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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/797,448

03/10/2004

Joseph Bliss

SUP-00001

4424

30853

7590

05/14/2008

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EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

05/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/797,448	<b>Applicant(s)</b> BLISS, JOSEPH	
	<b>Examiner</b> Omar Flores-Sánchez	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-17 is/are pending in the application.
- 4a) Of the above claim(s) 16 and 17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7,9 and 11-15 is/are rejected.
- 7) ☒ Claim(s) 4 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This action is in response to applicant's amendment received on 11/13/07.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "said upper adaptor plate". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 11, are rejected under 35 U.S.C. 102(b) as being anticipated by Buehler et al. (4,930,334).

Buehler et al. discloses (Fig. 1-8) the invention including a lower adaptor 142 having a lower forming plate and a raised upwardly facing contact surface, an upper adaptor 130 having upper forming plate and a raised downwardly facing contact surface, a tool package (130 and

142), a lower die shoe 164, an upper surface (see Fig. 5), a punch adaptor 162, a lower binder holder 140, an aperture 146 and an upper die shoe 104.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buehler et al. (4,930,334) in view of Watkins (6,537,053 B1).

Buehler et al. discloses the invention substantially as claimed except for a pair of rotating latches. However, Watkins teaches the use of a pair of rotating latches 90 for the purpose of having a rapid tool change. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Buehler et al. by providing the pair of rotating latches as taught by Watkins in order to obtain a device that have a rapid tool change.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buehler et al. (4,930,334) in view of Munzen (5,600,991).

Buehler et al. discloses the invention substantially as claimed except for nitro cylinders. However, Munzen teaches the use of nitro cylinders 152 for the purpose of serving the same function as a binder. It would have been obvious to one having ordinary skill in the art at the

Art Unit: 3724

time the invention was made to have modified the device of Buehler et al. by providing the nitro cylinders as taught by Munzen in order to obtain a device that serves the same function as a binder.

9. Claims 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buehler et al. (4,930,334).

Buehler et al. discloses the invention substantially as claimed except for an upper binder having a centrally located aperture. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Buehler et al. by providing the upper binder having a centrally located aperture for the purpose of quickly changing the upper tool, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buehler et al. (4,930,334) as applied to claim 7 above, and further in view of Watkins (6,537,053 B1).

The modified device of Buehler et al. discloses the invention substantially as claimed except for kipper pins. However, Watkins teaches the use of kipper pins 90 for the purpose of having a rapid tool change. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Buehler et al. by providing the kipper pins as taught by Watkins in order to obtain a device that have a rapid tool change.

11. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buehler et al. (4,930,334) in view of Shinkai et al. (5,000,022).

Buehler et al. discloses the invention substantially as claimed including Buehler et al. discloses (Fig. 1-8) the invention including a lower adaptor 142 having a lower forming plate and a raised upwardly facing contact surface, an upper adaptor 130 having upper forming plate and a raised downwardly facing contact surface, a tool package (130 and 142), a lower die shoe 164, an upper surface (see Fig. 5), a punch adaptor 162, a lower binder holder 140, an aperture 146 and an upper die shoe 104. Buehler et al. doesn't show a fitting mechanism to raise and lower the tool package. However, Shinkai et al. teaches the use of a fitting mechanism (see Fig. 6), a rack and pinion (36-38) and hydraulic mechanism 28 for the purpose of enabling easy and precise positioning of the tools. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Buehler et al. by providing the fitting mechanism as taught by Shinkai et al. in order to obtain a device that enables easy and precise positioning of the tools.

***Allowable Subject Matter***

12. Claim 8 is allowed.

13. Claims 4 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

14. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dupler, Munzen, Owens, Watkins, Kruger et al. and Genereux et al. are cited to show related device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. F. S./

Examiner, Art Unit 3724

5/12/2008

/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724